UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KATHLEEN SCACCIA,

Plaintiff,

v.

Civil Action No. ___________

PIONEER CREDIT RECOVERY, INC.,

Defendants.

AMENDED

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought in response to Defendants violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*. (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. §1692k(d), and 28 U.S.C. § 133.

3. Venue is proper in this district under 28 U.S.C. §1391(b) in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

4. Plaintiff Kathleen Scaccia is a natural person residing in the County of Erie and State of New York and is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

5. Defendant Pioneer Credit Recovery, Inc. (hereinafter “Pioneer”) is a foreign business corporation organized and existing under the laws of the State of Delaware and is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6).

6. The acts of the Defendants alleged hereinafter were performed by its employees acting within the scope of their actual or apparent authority.

7. Defendant regularly attempts to collect debts alleged to be due another.

8. All references to either defendant herein shall mean said defendant or an employee of said defendant.

IV. FACTUAL ALLEGATIONS

9. That Plaintiff allegedly incurred a student loan. This debt will be referred to as the “subject debt.”

10. That the subject debt arose out of a transaction in which money, services or property, which was the subject of the transaction, was primarily for personal, family and/or household purposes. As such, said debt is a “debt” as that term is defined by 15 U.S.C. §1692a(5).

11. Plaintiff allegedly defaulted on the subject debt.

12. In or about March 2016, Defendant began calling Plaintiff on home and cellular telephone multiple times per week, often multiple times per day, in an attempt to collect on the subject debt.

13. In or about March 2016, Plaintiff spoke to Defendant and told them she had filed for chapter 13 bankruptcy and she cannot pay subject debt.

14. In or about October 2016, Defendant called Plaintiff’s place of employment. Defendant disclosed that they were a debt collector to Plaintiff’s co-worker and asked the co-worker to pass the message to Plaintiff to return call to Defendant regarding her outstanding debt.

15. In or about December 2016, Defendant called Plaintiff again at her place of employment. Defendant once again spoke to Plaintiff co-worker disclosing they were a debt collector. Defendant asked Plaintiff’s co-worker to pass the message to Plaintiff to return call and pay her debt.

16. That as a result of Defendants acts, Plaintiff became nervous, upset, anxious, and suffered from emotional distress.

V. CAUSE OF ACTION

17. Plaintiff repeats, realleges and incorporates by reference the allegations contained in paragraphs 1 through 16 above.

    A. Defendant violated 15 U.S.C. §1692d and 15 U.S.C. §1692d(5) by excessively calling Plaintiff on her home and cellular telephone after being told she could not pay the subject debt.

B. Defendant violated 15 U.S.C. §1692b(2) and Defendant violated 15 U.S.C. §1692c(c) by communicating that they are debt collectors to Plaintiff's co-workers from October 2016 through December 2016.

C. Defendant violated 15 U.S.C. §1692e(11) by Asking Plaintiff's co-workers to pass a message to Plaintiff to return call to pay her debt.

18. That as a result of the Defendants FDCPA violations as alleged herein, Plaintiff became nervous, upset, anxious and suffered from emotional distress.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against each Defendant for:

(a) Actual damages;

(b) Statutory damages pursuant to 15 U.S.C. §1692k.

(c) Costs, disbursements and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.

(e) For such other and further relief as may be just and proper.

VI. JURY DEMAND

Please take notice that Plaintiff demands trial by jury in this action.

Dated: January 5, 2017

/s/ Seth J. Andrews___________
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